

Willa Hemmons

From: Willa Hemmons
Sent: Monday, September 25, 2017 4:22 PM
To: 'Elizabeth Wang'; Nathaniel Gay
Cc: Meyer, Jennifer; Hannan, Charles; M PASTERNAK; brett murner
Subject: RE: Wheatt v. City of East Cleveland - deposition of Helen Forbes Fields

Atty. Wang,

I have spoken to Atty Forbes Fields by phone. I also sent her a letter advising her, inasmuch as she was the Law Director at the time, of her designation as a 30(b)(6) witness. She informed me that she had also spoken with Atty. Pasternak whom she informed that after 20 years she had no recollection of the events.

When I spoke to her she told me she would check her records and get back to me...I am still awaiting her return call.

I have done all I could to find someone from 20 years ago who can be responsive to such a deposition---you have categorically rejected Mayor Onunwar, Patricia Lane is thus far unavailable and now you are accepting out of hand Atty Forbes Fields rejection of the date. As far as I can see, she is at as much disadvantage as the law enforcement personnel you deposed.

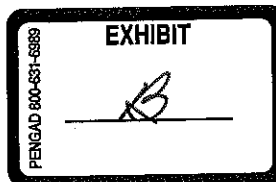
If you accept Atty Forbes Fields self initiated dismissal as not being available at any date, then the City simply has no one that can be responsively designated after 20 years. If you want me to again try to reach her and come up with another date when she is available then I will do so.

If the latter is the case, then I would request some dates when parties and counsel are available.

Willa Hemmons
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From: Elizabeth Wang [<mailto:elizabethw@loevy.com>]
Sent: Monday, September 25, 2017 1:50 PM
To: Willa Hemmons; Nathaniel Gay
Cc: Meyer, Jennifer; Hannan, Charles; M PASTERNAK; brett murner
Subject: Wheatt v. City of East Cleveland - deposition of Helen Forbes Fields

Dear Willa,



On Friday, I received a phone call from Helen Forbes Fields regarding the Rule 30(b)(6) deposition notice. Ms. Fields informed me that, despite the fact that you have designated her as the witness

knowledgeable and prepared to testify about the topics in the notice on behalf of the City, she is not knowledgeable of the topics and is not a proper designee. Further, despite the fact that it is your obligation as the City's attorney to ensure the attendance of the City's own Rule 30(b)(6) witness for the deposition, Ms. Fields stated that she is not available to be deposed on 9/28. Thus, it is apparent that you have not conferred with Ms. Fields about her knowledge of the topics noticed or even regarding her availability as you were obligated to do by prior Court orders.

As you are aware, you were required--both by Magistrate Judge Baughman and Judge Gwin--to produce a Rule 30(b)(6) witness with knowledge of the topics in Plaintiffs' notice. This is the second time that you have failed to do so. In light of your refusal to comply with the Court's prior orders, Plaintiffs intend to seek an appropriate remedy from the Court.

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